

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE MEETING**

Wednesday, August 1, 2007

Members Present: Ed Ryan (Chair), Walt Grzyb, Bill McCormick, Farwell Sawin, Steve Korth, John Donnelly, and Ronald McAllister, CEO.

Members Absent: Paul Bois

Meeting was called to order at 7:30 PM (note: meeting held at the Lovell Fire Station to accommodate a public hearing).

- Chairman Ryan introduced the members of The Planning Board
- Chairman Ryan introduced Jonathan T. Lockman from The Southern Maine Regional Planning Commission.
- Chairman Ryan explained that this public hearing was to get input from Lovell Taxpayers in regards to proposed changes to Lovell's land use ordinance relating to shoreland and resource protection districts as mandated by the State of Maine. Chairman Ryan further noted The Board thought it was important early on in this process to get as much input as possible from the community so that, where possible, changes are done with citizen input. He explained that another public hearing will be held and that The Board will attempt to have these changes presented at the annual town meeting in March of 2008.
- Mr. Lockman gave a brief presentation on the proposed changes and why they are needed.
- The Board took questions and comments from the public as follows:
 - Bob Casano asked how these changes were determined and if site walks were done. Mr. Lockman explained that the changes were based on state GIS (Geographic Information System) Maps and not site walks.
 - Keith Rowe asked what the difference was between the resource protection and shoreland limited residential zones. Mr Lockman referred him to page 26 of the draft ordinance. Mr. Lockman stated that more is allowed in limited residential than in resource protection.
 - Ed Nista asked if it was impossible to build a new building in resource protection under the new rules. He was informed that buildings would not be permissible. He also advised that Lovell has never had that exception in it's ordinance however the law does allow for a special exception review clause if the town wanted to adopt it. Mr Nista requested The Board to consider adding language that would allow for a lot owner to have their situation reviewed creating a possibility for an exception to this rule. Mr. Nista noted the language he was referring to was on page 45 of The State's booklet titled "Chapter 1000: Guidelines for Municipal and Shoreland Zoning Ordinances" (Section 16-E)
(http://www.maine.gov/dep/blwq/rules/1000_2006_final_with_markup.pdf) .

- Ben Brown stated that he understands the value of resource protection but worries that it is starting to seriously erode landowner rights and wonders were it is going in the future. Mr. Brown also commented that he had not been aware of the changes or the hearing until a friend informed him. Chairman Ryan told him that every taxpayer of record in the town of Lovell was mailed a notice and summary of changes. He further noted that it was posted in the newspaper 2 times and on the town website.
- Mr. Lockman stated that out of the 39 towns he works with, The Lovell Planning Board has done the most extraordinary job at preparing for these changes and notifying the citizens. He stated that most towns have not even begun the process and that we are far ahead of everyone.
- Howard Corwin asked if there has been an increase in planning and enforcement costs as a result of stricter regulations. Mr. Lockman advised him there has been an increased cost.
- Bert Kendall suggested that the number of zoning districts be reduced to one. He also commented that the non-conforming use language is confusing and asked why the ordinance requires that appeals go to Superior Court instead of the Appeals Board. Mr. Lockman clarified that decisions made by the planning board or code enforcement will be appealed to the ZBA. It is only when a lot owner willfully violates the ordinance that the violation must go to The Superior Court.
- Jim Rowe stated that he thinks the town has done a poor job of notifying the citizens as to which zoning district their property is in. He suggests that the tax bills include information indicating what zoning district(s) the property is in.. He also urges that the special exception language be adopted.
- Eric Guilbranson stated he would like to see the special exception language.
- Sandy Stowell asked about the proposed animal husbandry ordinance. Specifically she wanted to know if the ordinance covered new situations only or if existing situations were affected. She was informed that existing situations would not be affected, if the current situation is in compliance.
- Gene Spender asked if there had been complaints about animal husbandry in town. Chairman Ryan informed him there had been. He is concerned about the ordinance it being a town wide ordinance.
- Bert Kendall asked why the animal husbandry ordinance is town wide.
- Ed Nista asked about net residential area. Mr Lockman advised it has to do with lot size requirements while subtracting the area that is unsuitable for building such as wetlands, steep slopes, resource protection, etc... Mr. Nista commented that this would appear to require bigger lot sizes for affected lots and would require an extensive survey to make those calculations
- Jim Rowe asked about having the zoning ordinance separate from the shoreland zoning rules. Mr. Lockman stated it could be done either way but having them combined has been the most common practice and Lovell has done it that way. He said to separate the two would be very costly and didn't make a lot of sense.
- Bob Drew asked the board to separate the proposed changes into separate articles at Town Meeting.

- Eric Guilbranson asked if lot sizes will need to be larger when parts of the lot are in resource protection. Mr. Lockman stated they would have to be larger.
 - Stan Tupaj asked if that was a state requirement or a local choice.
 - Unidentified female citizen asked when these changes would take affect. Chairman Ryan explained that the changes would be brought before the town at the 2008 annual meeting and if they pass they would be forwarded onto The State for their approval. They would go into affect after that.
 - Ed Nista asked that there be another public hearing before town meeting.
 - Ben Brown hopes we can find ways to maintain local control.
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- The minutes from the July 11, 2007 meeting were read and accepted.

The meeting adjourned at 9:05 PM

Respectfully Submitted,

Walter Grzyb